

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Bob Holden, Governor • Stephen M. Mahfood, Director

DIVISION OF ENVIRONMENTAL QUALITY
P.O. Box 176 Jefferson City, MO 65102-0176

February 25, 2002

Mr. James Ogden
General Services Administration
1500 East Bannister Road
Kansas City, KS 64131-3088

RE: Environmental Remediation Oversight Letter of Agreement

Dear Mr. Ogden:

The Federal Center Facility site has been accepted into the Hazardous Substance Environmental Remediation Program (Voluntary Cleanup Program, VCP) for the remediation of contaminants under the review and oversight of the Missouri Department of Natural Resources (department). Please note that sites where remediation has been initiated or completed since August 28, 1994, will not be accepted into VCP except in cases where limited action was taken to abate an emergency resulting from a release of a hazardous substance.

Acceptance of a site into the VCP does not mean nor imply that the department has made a final determination regarding whether the site requires or warrants action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), the Missouri Hazardous Waste Management Law, or other state or federal statutes. Acceptance into the VCP is based solely on information related to the site that is known to the department at the time the application is submitted. The department reserves the right to exercise its authority under the referenced statutes should information in addition to that known to the department at the time the application is submitted become available that demonstrates that action under one or more of the referenced statutes is warranted, or should conditions at the site change resulting in a situation that warrants action under the referenced statutes.

This letter serves as an agreement between the department and General Services Administration regarding the department's review of documents and oversight of remediation of hazardous substances at 607 Hardesty Avenue, Kansas City, Missouri.

A \$2,500.00 initial deposit to be used for document review and oversight expenses incurred by the department must accompany the fully completed agreement. The deposit may be in the form of a cashier's check payable to the Missouri Department of Natural Resources or an irrevocable letter of credit issued by a Missouri bank. VCP must receive the signed Letter of Agreement and the deposit check prior to conducting any further review on this project.

Mr. James Ogden
February 25, 2002
Page 2

The department's document review and oversight costs will include personnel and expense costs, plus indirect costs as per subparagraphs (8) (A) 1. and 2. of 10 CSR 25-15.010 (copy enclosed).

Should the \$200.00 application fee and the \$2,500.00 deposit be expended prior to completion of the project, any further department expenses will be billed quarterly, with the option to bill monthly, as per the enclosed sample. Because of the limited scope of work envisioned under this Letter of Agreement, accounting details above the level of the sample enclosed will not be provided by the department. Any disputes arising from the review and oversight costs will be handled in accordance with 10 CSR 25-15.010 (8) (C).

In the event review and oversight costs do not meet or exceed the funds on deposit, the department will refund, within sixty (60) days of the close of the project, all the funds remaining in excess of the actual costs.

A copy of the Phase I environmental site assessment and all existing and relevant reports and supporting documentation, or other information concerning any site assessments, investigations, sample collections, and sample analyses that have not previously been provided to the department, shall be submitted with this signed agreement or within ninety (90) days following acceptance of this Letter of Agreement.

The department agrees to review all existing and relevant environmental documents received to determine if remediation of the above referenced site is necessary to meet state standards. If remediation is needed and you desire the department's oversight and participation, you must develop a Remedial Action Plan for cleanup of the site. The Remedial Action Plan must be approved by the department prior to implementation. The Remedial Action Plan shall include work plans, safety plans, testing protocols, and appropriate monitoring plans. Oversight by the department will be in accordance with the provisions of the Remedial Action Plan. A Certification of Completion letter will be issued by the department upon successful completion of the Remedial Action Plan.

The owner(s)/authorized agent shall allow the department access to the site for purposes of overseeing the implementation of the remedial action plan, including sampling at the site; conducting investigations relating to soil and groundwater contamination at, beneath, or near the site; and observing and monitoring the progress of the work.

During the investigation and remediation of this site, you shall submit quarterly progress reports to the department on forms furnished by the department.

In the event that contaminants of concern will remain at the site above unrestricted land use levels, a restrictive covenant and a monitoring contract with the department shall be required.

General Services Administration may terminate this Letter of Agreement at any time for any reason by giving written notice, via certified mail, to the department. The department may terminate this Letter of Agreement for cause, which includes the grounds set forth in Section 260.569.3, Revised Statutes of Missouri (RSMo). Only those costs incurred by the department prior to the effective date of any termination of this Letter of Agreement shall be recoverable by the department under this agreement.

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Bob Holden, Governor • Stephen M. Mahfood, Director

DIVISION OF ENVIRONMENTAL QUALITY
P.O. Box 176 Jefferson City, MO 65102-0176

February 25, 2002

Mr. James Ogden
General Services Administration
1500 East Bannister Road
Kansas City, KS 64131-3088

RE: Voluntary Cleanup at Federal Center Facility, 607 Hardesty Avenue, Kansas City, Missouri

Dear Mr. Ogden:

Enclosed please find an Environmental Remediation Oversight Letter of Agreement for the Federal Center Facility site located at 607 Hardesty Avenue, Kansas City, Missouri. The Letter of Agreement is a part of the application process for the Voluntary Cleanup Program (VCP) and explains the responsibilities of the participant and the Missouri Department of Natural Resources pertaining to the voluntary cleanup process. VCP must receive the signed Letter of Agreement and the deposit check prior to conducting any further review on this project.

If the terms are acceptable, please sign and date the Letter of Agreement in the appropriate spaces and return the entire document, with the deposit, to Mr. Jim Belcher at the letterhead address. Thank you for participating in the Voluntary Cleanup Program. We look forward to working with you on this project.

Sincerely,

HAZARDOUS WASTE PROGRAM



Christine O'Keefe
Environmental Specialist
Voluntary Cleanup Section

CO:ph

Enclosures

Mr. James Ogden
February 25, 2002
Page 3

General Services Administration shall hold the department harmless for any claims (including, but not limited to, claims for property damage or personal injury) arising from activities reviewed or overseen under this Letter of Agreement.

This Letter of Agreement is not and shall not be construed as an admission by General Services Administration of any liability under 10 CSR 25-15.010 or any other law or as a waiver of any defense to such liability. This Letter of Agreement is not and shall not be construed as a waiver, release, or settlement of claims the department may have against General Services Administration or any other person, or as a waiver of any enforcement authority the department may have with respect to General Services Administration or the property. If determined to be necessary, the preparation and submittal of any permit applications are your responsibility as participant. The processing and review of permit applications, which are awarded by the department and may be necessary for work conducted under this agreement, are not subject to the time limits established for the VCP.

This letter of agreement must be signed and returned to the department within 60 days from the date of this letter. Unless the department grants a written extension, if this letter is not returned, signed, within the prescribed period, this letter of agreement shall be null and void.

If the terms of this Letter of Agreement are acceptable, please execute this Letter of Agreement by signing in the space provided below and return, along with the \$2,500.00 deposit. Checks should be made payable to the Missouri Department of Natural Resources and sent to:

Mr. Jim Belcher, Chief
Voluntary Cleanup Section
Hazardous Waste Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102

The department appreciates your interest in the Voluntary Cleanup Program and looks forward to working with you.

Sincerely,

HAZARDOUS WASTE PROGRAM


Betty Wyse
Acting Director

BW:jbp

Enclosures

Accepted and agreed to this 9 day of April, 2002 in the State of
Mo, County of Carroll.

Applicant(s) signature(s):

James L. Ogden
(Signature)

James L. Ogden
(Print Name)

(Signature)

(Print Name)

NOTARY PUBLIC:

Carolyn Pump

My commission expires 08/19/2005.



If signed by an authorized agent, please indicate relationship to owner(s), work title, address, and telephone number. As owner(s) agent, I certify that I am fully authorized to enter into the terms and conditions of this Letter of Agreement and to bind the owner(s) I represent to this agreement.

(Authorized Agent Signature)

(Print Name)

(Relationship to Owner(s))

(Telephone Number)

(Address)

NOTARY PUBLIC:

My commission expires _____.

UNITED STATES GOVERNMENT

GSA

KEVIN SANTEE

FOR OFFICIAL USE ONLY

U.S. GOVERNMENT TAX EXEMPT

56-194/422

NO

238

Pay to the order of Missouri Department of Natural Resources \$ 2,500.00

Twenty-five hundred dollars and 00/100

CITIBANK®

CITIBANK SOUTH DAKOTA, N.A.
PAYABLE THROUGH FIRSTSTAR BANK
CINCINNATI, OHIO 45150

607 Hardisty - VCP

Kevin Santee

NOT TO EXCEED \$2500.00

⑆042201948⑆433900000814499⑆0238

MP

Security features
verify at
citibank.com

VOLUNTARY CLEANUP PROGRAM QUARTERLY BILLING

SAMPLE

MISSOURI DEPARTMENT OF NATURAL RESOURCES
HAZARDOUS WASTE PROGRAM/VOLUNTARY CLEANUP SECTION

Invoice No: xxxxx
3rd Quarter 99

Site Number: XXXX

Billing Period: 10/01/99 to 12/31/99

Site Name: ABC Company
Street
City, State and Zip

Quarterly expenses include:

Employee	Date	Pay
Employee A	11/23/99	\$ 41.24
Employee A	11/23/99	\$ 8.25
Employee A	12/05/99	\$ 16.50
Employee B	12/23/99	\$131.22

SAMPLE

DIRECT LABOR	\$197.21
OVERHEAD COSTS (x 3.5)	\$493.03

TOTAL PERSONAL SERVICE COSTS \$690.24

TRAVEL (No. of miles @ .28 per mile)	\$ 0.00
INDIRECT EXPENSE (24.83%)	\$ 0.00

TOTAL EXPENSE & EQUIPMENT COSTS \$ 0.00

CURRENT CHARGES \$ 690.24

Original Application Fee Paid to MDNR:	04/17/99	\$ 200.00
Original Deposit Paid to MDNR: (Up to \$5,000)	06/12/99	\$2,500.00

MDNR Costs Incurred: Billing Period

Personnel \$690.24

Expenses \$ 0.00

TOTALS \$690.24

CREDIT REMAINING OS OF 10/01/99	(\$1,186.91)
PAYMENTS RECEIVED	\$ 0.00
CHARGES THIS PERIOD	\$ 690.24

AMOUNT DUE	\$ 0.00
CREDIT	(\$ 496.67)

Mail payment in the form of a Cashier's check or irrevocable letter of credit issued by a MO bank within 60 days to:
Missouri Department of Natural Resources
Hazardous Waste Program/Voluntary Cleanup Section
P.O. Box 176
Jefferson City, MO 65102

For Office Use Only:			
Date:	Amt. Due:	Amt. Received:	Initials:

In case of an inquiry please contact us at (573) 526-8913.

**Title 10—DEPARTMENT OF
NATURAL RESOURCES
Division 25—Hazardous Waste
Management Commission
Chapter 15—Hazardous Substance
Environmental Remediation (Voluntary
Cleanup Program)**

**10 CSR 25-15.010 Hazardous Substance
Environmental Remediation (Voluntary
Cleanup Program)**

PURPOSE: This rule defines those persons who may apply to the Missouri Department of Natural Resources for oversight of an environmental remediation cleanup in accordance with sections 260.565—260.575, RSMo, and establishes procedures for participation.

(1) Applicability. Any person, including, but not limited to, a person acquiring, disposing of or possessing a lien holder interest in real property that is known to be or suspected to be contaminated by hazardous substances, may apply to remediate the real property with oversight by the Missouri Department of Natural Resources.

(2) Definitions and Substitution of Terms. This section supplements and modifies the definitions in 10 CSR 25-3. Where these definitions differ from those in 10 CSR 25-3, the modified definition is applicable only in this rule.

(A) Additional Definitions.

1. Days means calendar days unless otherwise specified.

2. Environmental remedial cleanup means a remedial action at an affected site undertaken and financed by a person, which remedial action is subject to oversight and approval by the department, and with respect to which remedial action the person agrees to pay the department's site-specific costs incurred in administration and oversight.

3. Hazardous substance means any hazardous substance specified in the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. sections 9601(14)(A)–(F) and any hazardous waste as defined in section 260.360, RSMo or any rules promulgated under sections 260.350–260.480, RSMo.

4. Nonresidential property means any real property currently or previously used for industrial or commercial purposes, or both.

5. Participation fees means the two hundred dollar (\$200) application fee, the initial oversight costs deposit not to exceed five thousand dollars (\$5000) and all additional oversight cost reimbursements.

6. Person means any individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision or any agency, board, department or bureau of the state or federal government or any other legal entity which is recognized by law as the subject of rights and duties.

7. Phase I environmental site assessment means a noninvasive physical assessment of the real property conducted in accordance with American Society for Testing and Materials (ASTM) Standard E.1527 by a technical consultant who is familiar with the nature of the operations and activities that have occurred on the real property.

8. Phase II environmental site assessment means an invasive investigation by a technical consultant of those areas of concern identified during the Phase I environmental site assessment.

(B) Modified definition applicable only to this rule. Remediation or remedial action means all appropriate actions taken to clean up contaminated real property, including but not limited to removal, remedial action and response as these terms are defined by the federal Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601).

(3) Intent to Participate.

(A) Persons desiring to remediate real property with oversight by the department shall request an application form from the department.

(B) The application form shall include the information set forth in section 260.567.1, RSMo and any other existing and relevant information required by the department. The application form shall be filled out completely and returned to the department with the two hundred dollar (\$200) application fee. Application forms may be submitted at any time from the completion of a Phase I environmental site assessment up through the development, but not including the implementation, of a remedial action plan. Sites where remediation had been initiated or completed since August 28, 1994, will not be accepted into the voluntary cleanup program except in cases where limited action was taken to abate an emergency resulting from a release of hazardous substance.

(C) The department will review the form for completeness. The department will return any form deemed incomplete to the person for completion. Upon receipt of all requested information, the department will notify the person that the application form is complete and proceed according to section (4) of this rule.

(D) The department will deny applications for sites which warrant clean-up under force of law or regulation under Resource Conservation and Recovery Act, 42 U.S.C. section 6901 et seq., as amended, or the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. section 9601 et seq., as amended, or the Missouri Hazardous Waste Management law that fall within any of the following categories:

1. Conditions at a site constitute an imminent and substantial threat to public health or the environment;

2. Site inspection is completed and the site is being evaluated for listing on the NPL;

3. Permitted or interim status Resource Conservation Recovery Act facilities; or

4. Sites which warrant enforcement action for clean-up under the Resource Conservation and Recovery Act, the Comprehensive Environmental Response Compensation and Liability Act, or the Missouri Hazardous Waste Management Law.

(4) Environmental Remediation Oversight Agreement.

(A) Upon approval of the application, the department shall enter into a site-specific environmental remediation oversight agreement with the person. This agreement shall set forth the responsibilities of the person and the department.

(B) The person shall post an initial five thousand dollar (\$5000) deposit with the department or a lesser amount as determined by the department to cover the department's initial oversight costs. The deposit shall be a check or an irrevocable letter of credit issued by a Missouri bank.

(C) The person shall submit a copy of all reports concerning the results of any site assessments, investigations, sample collections and sample analyses, and any other existing and relevant information requested by the department. At a minimum, such reports and information shall consist of a Phase I environmental site assessment.

1. All reports, including other information requested by the department pursuant to subsection (4)(C) of this rule, shall be submitted within ninety (90) days following receipt of notice from the department that these reports are required. An extension may be granted at the department's discretion.

2. The department will review and comment on the reports within one hundred eighty (180) days. The one hundred eighty (180) days shall start upon receipt of all the reports or the deposit required in subsection (4)(B) of this rule, whichever is later.

(D) The person shall notify the department's voluntary cleanup project manager by

telephone, facsimile or letter no later than five (5) working days before the intended starting date of field work relating to site characterization or remediation.

(5) Remedial Action Plan.

(A) The person shall submit a remedial action plan for any contamination identified in the environmental site assessments within ninety (90) days following notice from the department that this information is required. An extension may be granted at the department's discretion. The remedial action plan shall satisfy the requirements of section 260.567.6., RSMo.

1. The department shall review the remedial action plan and determine if the plan is protective of human health and the environment. If revisions or modifications of the plan are necessary, the department will notify the person of the required revisions.

2. The final remedial action plan, including all the revisions or modifications, shall be approved by the department within ninety (90) days of receipt if the plan satisfies the requirements of section 260.567.6., RSMo.

(B) Implementation of the Approved Remedial Action Plan.

1. The approved remedial action plan shall be implemented by the person in accordance with the schedule contained in the work plan.

2. Quarterly progress reports shall be submitted to the department on forms provided by the department.

3. A final completion report signed by the person or an authorized agent, documenting that all required work has been satisfactorily completed shall be submitted to the department.

4. Departmental review and oversight of the environmental remediation shall be conducted in accordance with the provisions of the approved remedial action plan.

(6) Notification of Completion. The department will issue a letter to the person stating that no remedial action or no further remedial action need be taken at the site related to any contamination identified in the environmental assessments, provided that—

(A) The person has complied with all provisions of this rule and sections 260.565—260.575, RSMo;

(B) Remedial actions, if any, have been taken in accordance with the approved remedial action plan; and

(C) All applicable participation fees have been remitted to the department.

(7) Termination of Environmental Remediation.

(A) Pursuant to section 260.567.11., RSMo, a person may terminate participation at any time by providing the department with written notification by certified mail. This termination does not affect the person's environmental liability.

(B) Pursuant to section 260.569.3., RSMo, the department may terminate a person's participation in the environmental remediation oversight agreement for cause.

(C) Reimbursement of unspent oversight monies shall be handled in accordance with section 260.569.4., RSMo.

(8) Oversight Reimbursements. The person shall reimburse the department for site-specific administration and oversight costs in accordance with section 260.569.1, RSMo and this rule.

(A) A complete accounting of the costs incurred by the department will be billed to the person by certified mail at the following rates:

1. Personnel. The project manager's and geology and laboratory field personnel's hourly rates multiplied by a fixed factor of three and one-half (3 1/2) will be the basis for time accounting billing. This fixed factor is comprised of direct labor costs; fringe benefits, calculated at a rate developed by the department; indirect costs calculated at a rate approved by the United States Department of the Interior; and direct overhead, including, but not limited to, the cost of clerical support and supervisory engineering review and Hazardous Waste Program administrative and management support;

2. Expenses. The direct expenses incurred during administration and oversight and any analytical costs associated with sampling; plus indirect costs calculated at the approved United States Department of the Interior rates; and

3. Monitoring fee. For sites which require engineering and/or institutional controls (e.g., capping, deed restrictions), the person shall submit a fee to cover the department's long-term monitoring costs. The department's voluntary cleanup project manager shall establish a site-specific monitoring fee, ranging from five thousand dollars to fifteen thousand dollars (\$5,000–\$15,000). The amount of the monitoring fee shall be dependent upon the complexity of the site and the type of engineering and/or institutional controls.

(B) The person shall reimburse the department as follows:

1. Initial department expenses shall be reimbursed from the two hundred dollar

(\$200) fee accompanying the application form.

2. After the two hundred dollar (\$200) application fee has been expended, reimbursement shall be made from the deposit required in subsection (4)(B) of this rule.

3. The department shall bill the person for any further expenses. The person shall reimburse the department within sixty (60) days following notice from the department that reimbursement is due. Failure to submit timely reimbursement may be grounds for termination of the environmental remediation oversight agreement.

(C) The person may appeal to the commission any charge within thirty (30) days of receipt of the bill in accordance with procedures outlined in section (9) of this rule. Upon appeal to the commission, the disputed amount shall be placed in escrow pending resolution of the appeal.

(9) Appeals.

(A) The person may appeal to the commission any departmental action under sections 260.565—260.575, RSMo or this rule.

1. Appeals shall be filed with the staff director to the commission by certified mail within thirty (30) days of the disputed department action.

2. Appeals shall be in writing and shall specify the grounds for the appeal.

(B) Appeal hearings will be conducted by the commission in accordance with section 260.400, RSMo.

AUTHORITY: sections 260.370, RSMo Supp. 1997 and 260.567, 260.569, 260.571 and 260.573, RSMo 1994. Original rule filed Jan. 5, 1994, effective Aug. 28, 1994. Amended: Filed June 1, 1998, effective Jan. 30, 1999.*

**Original authority: 260.370, RSMo 1977, amended 1980, 1988, 1993, 1995; 260.567, RSMo 1993; 260.569, RSMo 1993; and 260.571, RSMo 1993.*